IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 16533 of 2007(R)

PETITIONER:

JISHA BENNY, W/O.BENNY, ODANTHODU,
POST MANATHANA, MANATHANA AMSOM DESOM,
KANNUR DT.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

RESPONDENTS:
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1. PERAVOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
PERAVOOR, KANNUR.

2. ASST.DIST COORDINATOR, AKSHAYA PROJECT,
G.K.PANICKER MEMORIAL RESEARCH CENTER,
II FLOOR, SOFT WARE PARK, KANNUR-2,
KANNUR DT.

BY ADV. SRI.SATISH MURTI
SRI.UMA MURTHI
SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETTIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 16533 OF 2007 R

Dated this the 11th June, 2007

JUDGMENT

The Writ Petition is filed with the following prayers:

> *"i. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents to consider Exts.P2 and P3 forthwith.*
>
> *ii. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents to refrain from granting permission to any other person to run Akshaya Center (KN 1107)."*

2. Heard the learned counsel for petitioner, first respondent Panchayat, and also the second respondent. It is submitted by counsel for second respondent that there is an Arbitration Clause and it is for the petitioner to seek the remedy available to her in pursuance of the Arbitration Clause. I feel that in such circumstances, it will be more appropriate to relegate the petitioner to pursue the remedy under the

Arbitration Clause. Without prejudice to the right of the petitioner to seek relief under the Arbitration Clause, the Writ Petition is disposed of.

K. M. JOSEPH, JUDGE

kbk.